



# **AZ POST**

## **QUARTERLY INTEGRITY BULLETIN**

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The Arizona Peace Officer Standards and Training Board (AZ POST) is mandated by the legislature to establish and enforce the physical, mental, and moral fitness standards for all peace officers in the state. The Board meets the charge to protect the public by overseeing the integrity of Arizona's law enforcement officers by reviewing cases and taking action against the certification of individuals who violate the AZ POST Rules. The following is a summary of the actions taken by the Arizona Peace Officer Standards and Training Board at its January, February and March 2017, public meetings. These actions are not precedent setting, in the sense that similar cases will end with the same result, because each case is considered on its individual facts and circumstances.

The Board publishes this bulletin to provide insight into the Board's position on various types of officer misconduct. As always, the Compliance Specialist for your agency is available to discuss any matter and to assist you with any questions you might have.

### **REVOCATIONS:**

Case #14-161. An officer, while on-duty and in uniform, had alcohol in his system. While still at his residence, he submitted to a portable breath test. The test revealed his blood alcohol content to be .179%.

Case #15-044. A deputy, on numerous occasions, solicited, received and ingested prescription narcotic pills that he acquired from co-workers. He also admitted to ingesting narcotic pain medication while on-duty.

Case #15-012. An officer made a false report that she was being stalked by her ex-boyfriend. She later confessed she fabricated the whole story.

Case #16-076. An officer, while off-duty, was arrested for Extreme DUI; he was sentenced to jail time. He submitted false documentation to the court which stated he had completed the requirements of the Court Order and was not truthful during a Garrity interview.

Case #14-159. An officer committed Domestic Violence/Disorderly Conduct against his girlfriend and failed to notify his supervisor of his arrest. He also authored a department report about his arrest which contained several false statements.

Case #16-039. An officer used over 300 hours of sick leave and submitted false doctor's notes excusing him from work. He admitted to only seeing a doctor on a couple of occasions and the rest of the doctor's notes were completed by him.

Case #16-089. An officer, during a drill weekend with the military, lied about being involved in a police shooting and killing two suspects. He continued the fabricated story by stating he had been stuck by a hypodermic needle during the incident, placed on an HIV cocktail and had to pursue his own medical and psychological treatment because his agency would not provide this.

Case #14-178. An officer failed to submit seized drugs for analysis and failed to submit charging documents on the case. He also had three open felony criminal cases that were incomplete due to his failure to file felony charges against the three suspects.

Case #16-126. A trooper failed to disclose past drug use on his AZ POST Personal History and Application for Certification Form when applying for two separate agencies. He also gave false information to the polygraph examiners in an attempt to conceal information about his drug use history.

Case #16-133. A lieutenant, while off-duty, operated a vehicle while under the extreme influence of intoxicating liquor. He was arrested and crime lab analysis showed his blood alcohol level was .306.

### **SUSPENSIONS:**

Case #16-179. An officer had an extramarital affair with a dispatcher from another agency and had sexual encounters twice while he was on-duty. (1-year suspension)

Case #16-032. An officer, while on-duty and in full uniform, ordered food from a restaurant and was told twice what the amount would be. He exited the restaurant without paying. (18-day suspension)

Case #16-060. An officer, while on-duty and in a marked patrol vehicle, masturbated. (1-year suspension)

Case #16-010. A trooper was not truthful, was less than forthcoming and lacked specificity when questioned as a witness by investigators. (3-year suspension)

Case #16-101. An officer, on numerous occasions, failed to properly submit evidence and on six occasions reported she had collected and submitted items of evidence, when in fact she had not done so. (2-year suspension)

Case #17-004. An officer, while off-duty, was arrested for suspicion of DUI after colliding with another vehicle; which caused significant property damage. His blood alcohol level was .29. (3-year suspension)

### **VOLUNTARY RELINQUISHMENTS:**

*The scenarios stated here reflect the allegations giving rise to the POST case, but the facts were not proven before the Board.*

Case #16-165. A deputy made several fuel purchases using his county issued purchase card; these purchases were not authorized and were not for work-related fuel.

Case #16-180. An officer engaged in inappropriate sexual correspondence while on-duty; to include receiving and sending pornographic images and videos. A significant amount of sexually based material was located on his department issued cell phone.

Case #16-186. An officer purchased alcohol for an underage friend and was not truthful when he stated this was the only time he had done this. A follow-up Garrity interview revealed he had purchased and/or provided alcohol to underage friends on a few occasions.

Case #16-192. A trooper, on multiple occasions, neglected his assigned duties by checking on-duty when he in fact was still at home. He also, on multiple occasions, made false entries on his timesheet.

Case #17-018. A lieutenant, while off-duty, used his position as a peace officer to intimidate an individual by sending several crass and threatening text messages.

**DENIAL OF PEACE OFFICER CERTIFICATION:**

Case #16-132. A recruit was observed cheating on a written test by looking at another recruit's answer sheet and then changing an answer on his own answer sheet.

Case #16-074. An officer, whose peace officer certification had lapsed, applied for a police department. During the background process it was discovered that there were several integrity issues in his past that should have prevented him from ever being certified.

Case #16-110. A cadet, while off-duty and attending a baseball game, misrepresented herself as a certified peace officer and gathered information from attendees in order to complete Field Interrogation Cards. She lied to investigators by stating she was gathering the information as part of a homework assignment.

**NO ACTIONS:**

On January, February and March 2017, the Board voted to close out the following cases without initiating a Complaint for disciplinary action. This is neither a finding that no misconduct occurred nor a comment that the Board condones the conduct. In fact, the Board's rules are very broad and all misconduct violates one or more of the disciplinary rules. The Board may choose not to initiate a Complaint in a case even though there is misconduct if, considering all the circumstances, including agency discipline, the conduct does not rise to the level requiring a formal administrative proceeding. In many of these cases, the Board makes a statement that the conduct is an important consideration for a future hiring agency. By not taking disciplinary action, the Board leaves the matter to the discretion of an agency head who may choose to consider the officer for appointment. The Board relies on and enforces the statutory requirement of A.R.S. §41-1828.01 that agencies share information about misconduct with each other, even in cases where the Board has chosen not to take additional independent disciplinary action. Additionally, in some of these cases, further information is necessary before a charging decision can be properly made.

Case #16-177. An officer violated agency policy when he was found with two unauthorized weapons in his patrol vehicle and when he used his Taser on a non-compliant juvenile female.

Case #16-151. A recruit, while in a carpool to and from the academy, engaged in conversations that were insensitive to race and/or gender.

Case #15-113. An officer made an appointment with a business that engaged in acts of prostitution; however, he never kept this appointment.

Case #15-084. An officer failed to disclose he received two letters of reprimand on his AZ POST Personal History and Application for Certification Form.

Case #16-157. An officer used the AZ Criminal Justice Information System (ACJIS) in a manner that violated department policy.

Case #16-168. A deputy may have violated department policy by engaging in on-duty conversations considered by command staff as disparaging to his agency.

**MANDATORY REVOCATIONS:** (felony convictions)

Case #16-091. An officer was convicted of one count of Solicitation to Unlawfully Possess a Narcotic Drug, a Class 6 Felony.

Case #15-097. An officer was convicted of one count of Theft or Receipt of Stolen Mail Matter, a Class D Felony Offense.

Case #14-188. An officer was convicted of six counts of voyeurism and sentenced to 1.5 years in prison and lifetime probation, all Class 5 Felonies.

Case #15-069. A deputy was convicted of one count of Theft, a Class 5 Felony and one count of Possession of Drug Paraphernalia, a Class 6 Felony.